

**Fisheries Committee Meeting
February 6, 2016
Hazard Technical College**

I. Discussion Item – Request to Name a Newly Constructed Boat Ramp

A new boat ramp has recently been completed at Harman Station; the first permanent settlement in eastern Kentucky. Mayor Stapleton and others have requested that the ramp be formally named the “Harman Station Boat Ramp”.

II. Discussion Item –Asian Carp Harvest Program Amendments

The Asian Carp and Scaled Rough Fish Harvest Program (301 KAR 1:152) was initiated to allow commercial fishermen to harvest Asian carp and other potentially nuisance, native scaled-fish species from Kentucky waterbodies that are otherwise not open to commercial fishing. The primary impetus behind this regulation concerned a growing population of Asian carp in Kentucky and Barkley lakes. Sustained commercial harvest effort is the only tool available to remove large quantities of Asian carp from any water body. It is imperative that KDFWR provide regulations that minimally interfere with that effort while managing to protect sport fish populations and ensure interference with boaters and anglers is not promoted.

Currently, commercial fishermen who receive permission to fish in otherwise restricted waters through the Asian Carp Harvest Program must harvest a weight ratio of 75% Asian carp to 25% of all other scaled rough fish. Although most of the fishermen seem to be able to meet this criteria, that ratio often results in the commercial fishermen being required to throw back rough fish that could otherwise provide them with more income; i.e., the fishermen are occasionally losing money when targeting Asian carp. Since overpopulation of scaled rough fish would be cause for almost as much concern to sportfish and other forage fish in waters important for fishing as Asian carp, we propose changing the ratio of harvest to 65% Asian carp and 35% scaled rough fish.

In order to minimize interactions between boaters and anglers versus commercial fishermen and their nets, fishing in otherwise restricted waters is not allowed on weekends and three summer holidays within the period of April 1 and September 30. We have received requests from commercial fishermen to allow them to begin setting nets after sunset on Sundays; the last day of the weekend. They believe that interactions with recreational boaters will be minimal since most will leave the waters well before sunset on Sunday, and it would help the fishermen to get started fishing prior to midnight, Monday morning. In the interest of promoting more effort towards harvesting Asian carp from the restricted waters, the Fisheries Division believes that this request is reasonable.

III. Discussion Item – Request for Approval Concerning Construction of a Commercial Boat Slip on Lake Malone

Mr. Jason Pendley recently purchased land on Lake Malone which was historically owned by the Armstrong family. A 1956 Agreement between the Armstrongs and the Rocky Creek Lake Club provided a 50-foot easement to the public and assurances (that included all

subsequent landowners) that would afford the landowners an opportunity to build and maintain a commercial marina or boat slip that would be open to the public on that property. At one time, there was a small commercial marina in that area, but it has been absent from the property for an unknown number of years.

Much of the land described in the original deed encompassed an area that has been divided into several smaller individual lots. One of those lots retained the original rights for the commercial slip. Mr. Pendley purchased that particular lot and several others on Sherwood Point, and has proposed building a new commercial boat slip consisting of 21 slips. This is the second set of plans submitted to KDFWR in the past two years, and the latest plans contain alterations to the original plans based on comments made at a previous public meeting and during a smaller meeting with several Lake Malone residents. To satisfy the Agreement requirements, the boat slips would be open or offered for rental to the general public.

In accordance with 301 KAR 1:010, KDFWR held a public meeting at the Muhlenberg South Elementary School on September 16, 2016, to allow the public to see and comment on the new plans for the boat slips. Prior to the meeting, public notices were sent out through various media outlets and an announcement was mailed to all adjacent landowners living around Lake Malone (according to the records we have on file), the KDFWR Commission, and to Kentucky State Representatives: Yonts and King.

Mr. Pendley's construction plans will be provided to the KDFWR Fisheries Committee and discussed. Additionally, the public meeting minutes, and all correspondence received by KDFWR will be summarized, all petitions received by KDFWR will be described, and the public attending the meeting will be allowed to provide additional comments to the Committee.

The KDFWR Fisheries Committee will be asked to decide if the plans are to be approved as submitted and passed to the full KDFWR Commission at the December, 2016, meeting. If they are approved, KDFWR will send a formal letter of approval to Mr. Pendley and construction can be initiated. If the plans submitted are not approved, and if the boat slip is still desired, KDFWR will request that Mr. Pendley alter the plans and resubmit them to KDFWR. Consequently, another public meeting will be scheduled in conjunction with the February Fisheries Committee meeting in order to satisfy the requirements of 301 KAR 1:010 concerning public disclosure of any construction planned at any Department-owned or managed lake.